

ORIGINAL

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12/07/2016

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

Case Number: AF 09-0688

December 5, 2016

Clerk of the Montana Supreme Court

P.O. Box 203003

Helena, MT 59620-3003

Sir:

This letter is a formal comment and FOI request on proposed changes to Rules of Professional Conduct, known as Rule 8.4(g).

The deadline for comments until December 9, 2016 should be extended. There was little to no information to the public about this proposed change and very limited time to review and prepare response to it.

In diligent search of the Supreme Court website, using different search engines, the language and background of the proposed changes were impossible to find. Members of the public cannot adequately respond if they cannot see what is being proposed as changes. At a minimum, there should be a 30 day period for public comment with the proposed rule change readily available for the public to see.

From what I have been able to determine from the limited information available, this seems to be a poorly worded change designed only to satisfy a politically motivated purpose. It appears designed to hobble attorneys from fully representing clients in a wide variety of legal cases. It is not clear whether an attorney would be constrained from speaking out in forums other than the court.

At this point, the proposed rule should be rescinded until there is adequate opportunity for public review and comment.

Finally, under the provisions of the Montana Freedom of Information Act, I request copies of correspondence and any and all related documents relating to the adoption of the proposed rule change. Who initiated this change? To whom were contacts made to propose the change?

Please respond to my address shown below.

Sincerely,



David Vickery

1508 Highway 421

Joliet, Montana 59041

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*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA